

# House File 789 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 225)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to programs and functions under the purview of  
2 the Iowa department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1161HV 81  
5 rn/gg/14

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1 1 Section 1. Section 29C.20, subsection 1, paragraph a,  
1 2 subparagraph (5), Code 2005, is amended to read as follows:  
1 3 (5) Paying the expenses incurred by and claims of an urban  
1 4 search and rescue team when acting under the authority of the  
1 5 administrator and the provisions of section 29C.6 and ~~disaster~~  
1 6 ~~medical assistance teams~~ public health response teams when  
1 7 acting under the provisions of section 135.143.

1 8 Sec. 2. Section 135.11, subsection 16, Code 2005, is  
1 9 amended to read as follows:

1 10 16. Administer the statewide public health nursing,  
1 11 homemaker=home health aide, and senior health programs by  
1 12 approving grants of state funds to the local boards of health  
1 13 and the county boards of supervisors and by providing  
1 14 guidelines for the approval of the grants and allocation of  
1 15 the state funds. Program direction, evaluation requirements,  
1 16 and formula allocation procedures for each of the programs  
1 17 shall be established by the department by rule, ~~consistent~~  
1 18 ~~with 1997 Iowa Acts, chapter 203, section 5.~~

1 19 Sec. 3. Section 135.11, Code 2005, is amended by adding  
1 20 the following new subsection:

1 21 NEW SUBSECTION. 30. Establish and administer, if  
1 22 sufficient funds are available to the department, a program to  
1 23 assess and forecast health workforce supply and demand in the  
1 24 state for the purpose of identifying current and projected  
1 25 workforce needs. The program may collect, analyze, and report  
1 26 data that furthers the purpose of the program. The program  
1 27 shall not release information that permits identification of  
1 28 individual respondents of program surveys.

1 29 Sec. 4. Section 135.22A, subsection 7, Code 2005, is  
1 30 amended to read as follows:

1 31 7. ~~The department is designated as Iowa's lead agency for~~  
1 32 ~~brain injury.~~ The council is assigned to the department for  
1 33 administrative purposes. The director shall be responsible  
1 34 for budgeting, program coordination, and related management  
1 35 functions.

2 1 Sec. 5. Section 135.107, subsection 1, Code 2005, is  
2 2 amended by adding the following new unnumbered paragraph:

2 3 NEW UNNUMBERED PARAGRAPH. A simple majority of the  
2 4 membership of the advisory committee shall constitute a  
2 5 quorum. Action may be taken by the affirmative vote of a  
2 6 majority of the advisory committee membership.

2 7 Sec. 6. Section 135.140, subsection 5, Code 2005, is  
2 8 amended to read as follows:

2 9 5. ~~"Disaster medical assistance team" or "DMAT"~~ "Public  
2 10 health response team" means a team of professionals, including  
2 11 licensed health care providers, nonmedical professionals  
2 12 skilled and trained in disaster or emergency response, and  
2 13 public health practitioners, which is sponsored by a hospital  
2 14 or other entity and approved by the department to provide  
2 15 disaster medical assistance in the event of a disaster or  
2 16 threatened disaster.

2 17 Sec. 7. Section 135.140, subsection 6, Code 2005, is

2 18 amended to read as follows:

2 19 6. "Division" means the division of ~~epidemiology,~~  
2 20 ~~emergency medical services, and disaster operations acute~~  
2 21 ~~disease prevention and emergency response~~ of the department.

2 22 Sec. 8. Section 135.141, subsection 1, Code 2005, is  
2 23 amended to read as follows:

2 24 1. A division of ~~epidemiology, emergency medical services,~~  
2 25 ~~and disaster operations acute disease prevention and emergency~~  
2 26 ~~response~~ is established within the department. The division  
2 27 shall coordinate the administration of this division of this  
2 28 chapter with other administrative divisions of the department  
2 29 and with federal, state, and local agencies and officials.

2 30 Sec. 9. Section 135.143, Code 2005, is amended to read as  
2 31 follows:

2 32 135.143 ~~DISASTER MEDICAL ASSISTANCE TEAMS~~ PUBLIC HEALTH  
2 33 RESPONSE TEAMS.

2 34 1. The department shall approve ~~disaster medical~~  
2 35 ~~assistance public health response~~ teams to supplement and  
3 1 support disrupted or overburdened local medical and public  
3 2 health personnel, hospitals, and resources ~~at or near the site~~  
3 3 ~~of a disaster or threatened disaster by providing direct~~  
3 4 ~~medical care to victims or by providing other support~~  
3 5 ~~services. Assistance shall be rendered under the following~~  
3 6 ~~circumstances:~~

3 7 a. ~~At or near the site of a disaster or threatened~~  
3 8 ~~disaster by providing direct medical care to victims or~~  
3 9 ~~providing other support services.~~

3 10 b. ~~If local medical or public health personnel or~~  
3 11 ~~hospitals request the assistance of a public health response~~  
3 12 ~~team to provide direct medical care to victims or to provide~~  
3 13 ~~other support services in relation to any of the following~~  
3 14 ~~incidents:~~

3 15 (1) ~~During an incident resulting from a novel or~~  
3 16 ~~previously controlled or eradicated infectious agent, disease,~~  
3 17 ~~or biological toxin.~~

3 18 (2) ~~After a chemical attack or accidental chemical~~  
3 19 ~~release.~~

3 20 (3) ~~After an intentional or accidental release of~~  
3 21 ~~radioactive material.~~

3 22 (4) ~~In response to a nuclear or radiological attack or~~  
3 23 ~~accident.~~

3 24 (5) ~~Where an incident poses a high probability of a large~~  
3 25 ~~number of deaths or long-term disabilities in the affected~~  
3 26 ~~population.~~

3 27 2. A member of a ~~disaster medical assistance public health~~  
3 28 ~~response~~ team acting pursuant to this division of this chapter  
3 29 shall be considered an employee of the state under section  
3 30 29C.21 and chapter 669, shall be afforded protection as an  
3 31 employee of the state under section 669.21, and shall be  
3 32 considered an employee of the state for purposes of workers'  
3 33 compensation, disability, and death benefits, provided that  
3 34 the member has done all of the following:

3 35 a. Registered with and received approval to serve on a  
4 1 ~~disaster medical assistance public health response~~ team from  
4 2 the department.

4 3 b. Provided direct medical care ~~to a victim of a disaster~~  
4 4 ~~or provided other support services during a disaster or other~~  
4 5 ~~support services during a disaster, threatened disaster, or~~  
4 6 ~~other incident described in subsection 1; or participated in a~~  
4 7 ~~training exercise to prepare for a disaster or other incident~~  
4 8 ~~described in subsection 1.~~

4 9 3. The department shall provide the department of  
4 10 administrative services with a list of individuals who have  
4 11 registered with and received approval from the department to  
4 12 serve on a ~~disaster medical assistance public health response~~  
4 13 ~~team~~. The department shall update the list on a quarterly  
4 14 basis, or as necessary for the department of administrative  
4 15 services to determine eligibility for coverage.

4 16 4. Upon notification of a compensable loss, the department  
4 17 of administrative services shall seek funding from the  
4 18 executive council for those costs associated with covered  
4 19 workers' compensation benefits.

4 20 Sec. 10. NEW SECTION. 139A.8A VACCINE SHORTAGE ==  
4 21 DEPARTMENT ORDER == IMMUNITY.

4 22 1. In the event of a shortage of a vaccine, or in the  
4 23 event a vaccine shortage is imminent, the department may issue  
4 24 an order controlling, restricting, or otherwise regulating the  
4 25 distribution and administration of the vaccine. The order may  
4 26 designate groups of persons which shall receive priority in  
4 27 administration of the vaccine and may prohibit vaccination of  
4 28 persons who are not included in a priority designation. The

4 29 order shall include an effective date, which may be amended or  
4 30 rescinded only through a written order of the department. The  
4 31 order shall be applicable to health care providers, hospitals,  
4 32 clinics, pharmacies, health care facilities, local boards of  
4 33 health, public health agencies, and other persons or entities  
4 34 that distribute or administer vaccines.

4 35 2. A health care provider, hospital, clinic, pharmacy,  
5 1 health care facility, local board of health, public health  
5 2 agency, or other person or entity that distributes or  
5 3 administers vaccines shall not be civilly liable in any action  
5 4 based on a failure or refusal to distribute or administer a  
5 5 vaccine to any person if the failure or refusal to distribute  
5 6 or administer the vaccine was consistent with a department  
5 7 order issued pursuant to this section.

5 8 3. The department shall adopt rules to administer this  
5 9 section.

5 10 Sec. 11. Section 142C.15, subsection 4, paragraph a, Code  
5 11 2005, is amended to read as follows:

5 12 a. Not more than twenty percent of the moneys in the fund  
5 13 annually may be expended in the form of grants to state  
5 14 agencies or to nonprofit legal entities with an interest in  
5 15 anatomical gift public awareness and transplantation to  
5 16 ~~conduct public awareness projects or to research and develop a~~  
5 17 ~~statewide organ and tissue donor registry. Moneys remaining~~  
5 18 ~~that were not requested and awarded for public awareness~~  
5 19 ~~projects may be used for research, or to develop and support a~~  
5 20 ~~statewide organ and tissue donor registry.~~ Grants shall be  
5 21 made based upon the submission of a grant application by an  
5 22 agency or entity to conduct a public awareness project or to  
5 23 research, ~~and develop, and support a statewide organ and~~  
5 24 ~~tissue donor registry.~~

5 25 Sec. 12. Section 144.23, subsection 1, Code 2005, is  
5 26 amended to read as follows:

5 27 1. An adoption ~~certificate report~~ as provided in section  
5 28 144.19, or a certified copy of the decree of adoption together  
5 29 with the information necessary to identify the original  
5 30 certificate of birth and to establish a new certificate of  
5 31 birth; ~~except that a new certificate of birth shall not be~~  
5 32 ~~established if so requested by the court decreeing the~~  
5 33 ~~adoption, the adoptive parents, or the adopted person.~~

5 34 Sec. 13. Section 144.40, Code 2005, is amended to read as  
5 35 follows:

6 1 144.40 PATERNITY OF CHILDREN == BIRTH CERTIFICATES.

6 2 Upon request and receipt of an affidavit of paternity  
6 3 completed and filed pursuant to section 252A.3A, or a  
6 4 certified copy or notification by the clerk of court of a  
6 5 court or administrative order establishing paternity, the  
6 6 state registrar shall ~~amend~~ establish a new certificate of  
6 7 birth to show paternity if paternity is not shown on the birth  
6 8 certificate. Upon written request of the parents on the  
6 9 affidavit of paternity, the surname of the child may be  
6 10 changed on the certificate to that of the father. The  
6 11 certificate shall not be marked "amended". The original  
6 12 certificate and supporting documentation shall be maintained  
6 13 in a sealed file; however, a photocopy of the paternity  
6 14 affidavit filed pursuant to section 252A.3A and clearly  
6 15 labeled as a copy may be provided to a parent named on the  
6 16 affidavit of paternity.

6 17 Sec. 14. Section 148.12, Code 2005, is amended to read as  
6 18 follows:

6 19 148.12 VOLUNTARY AGREEMENTS.

6 20 The medical examiners, after due notice and hearing, may  
6 21 issue an order to revoke, suspend, or restrict a license to  
6 22 practice medicine and surgery, osteopathic medicine and  
6 23 surgery, or osteopathy, or to issue a restricted license on  
6 24 application if the medical examiners determine that a  
6 25 physician licensed to practice medicine and surgery,  
6 26 osteopathic medicine and surgery, or osteopathy, or an  
6 27 applicant for licensure has entered into a voluntary agreement  
6 28 to restrict the practice of medicine and surgery, osteopathic  
6 29 medicine and surgery, or osteopathy in another state,  
6 30 district, territory, ~~or~~ country, or an agency of the federal  
6 31 government. A certified copy of the voluntary agreement shall  
6 32 be considered prima facie evidence.

6 33 Sec. 15. Section 152B.5, Code 2005, is amended to read as  
6 34 follows:

6 35 152B.5 RESPIRATORY CARE STUDENTS.

7 1 Respiratory care services may be rendered by a student  
7 2 enrolled in a respiratory therapy training program when these  
7 3 services are incidental to the student's course of study.

7 4 A student enrolled in a respiratory therapy training

7 5 program who is employed in an organized health care system may  
7 6 render services defined in sections 152B.2 and 152B.3 under  
7 7 the direct and immediate supervision of a respiratory care  
7 8 practitioner for a limited period of time as determined by  
7 9 rule. The student shall be identified as a "student  
7 10 respiratory care practitioner".

~~7 11 A graduate of an approved respiratory care training program  
7 12 employed in an organized health care system may render  
7 13 services as defined in sections 152B.2 and 152B.3 under the  
7 14 direct and immediate supervision of a respiratory care  
7 15 practitioner for one year. The graduate shall be identified  
7 16 as a "respiratory care practitioner-licensure applicant".~~

7 17 Sec. 16. Section 152B.14, Code 2005, is amended to read as  
7 18 follows:

7 19 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

~~7 20 1. The board shall issue a license to practice respiratory  
7 21 care to an applicant who, on July 1, 1996, has passed an  
7 22 examination administered by the state or a national agency  
7 23 approved by the board.~~

~~7 24 2. Other applicants who have not passed these examinations  
7 25 or their equivalent on July 1, 1996, and who, through written  
7 26 evidence, verified by oath, demonstrate that they are  
7 27 presently functioning in the capacity of a respiratory care  
7 28 practitioner as defined by this chapter, shall be given a  
7 29 temporary license to practice respiratory care for a period of  
7 30 thirty-six months from July 1, 1996. Such applicants must  
7 31 pass a licensure examination administered or approved by the  
7 32 board within thirty-six months after July 1, 1996, in order to  
7 33 continue to practice respiratory care.~~

7 34 Sec. 17. Section 154D.2, subsection 1, paragraph b, Code  
7 35 2005, is amended to read as follows:

~~8 1 b. Has at least two years of supervised clinical  
8 2 experience or its equivalent as approved by the board in  
8 3 consultation with the mental health, mental retardation,  
8 4 developmental disabilities, and brain injury commission  
8 5 created in section 225C.5. Standards for supervision,  
8 6 including the required qualifications for supervisors, shall  
8 7 be determined by the board by rule.~~

8 8 Sec. 18. Section 154D.2, subsection 2, paragraph b, Code  
8 9 2005, is amended to read as follows:

~~8 10 b. Has at least two years of supervised clinical  
8 11 experience, supervised by a licensee, in assessing mental  
8 12 health needs and problems and in providing appropriate mental  
8 13 health services as approved by the board of behavioral science  
8 14 examiners in consultation with the mental health, mental  
8 15 retardation, developmental disabilities, and brain injury  
8 16 commission created in section 225C.5. Standards for  
8 17 supervision, including the required qualifications for  
8 18 supervisors, shall be determined by the board by rule.~~

8 19 Sec. 19. Section 156.4, subsection 4, Code 2005, is  
8 20 amended to read as follows:

~~8 21 4. Written examinations for a funeral director's license  
8 22 shall be held at least once a year at a time and place to be  
8 23 designated by the board. The examination Applicants shall  
8 24 pass an examination prescribed by the board, which shall  
8 25 include the subjects of funeral directing, burial or other  
8 26 disposition of dead human bodies, sanitary science, embalming,  
8 27 restorative art, anatomy, public health, transportation,  
8 28 business ethics, and such other subjects as the board may  
8 29 designate.~~

8 30 Sec. 20. Section 157.1, subsection 12, paragraph c, Code  
8 31 2005, is amended to read as follows:

~~8 32 c. Removing superfluous hair from the body of a person by  
8 33 the use of depilatories, waxing, sugaring, tweezers, or use of  
8 34 any certified laser products or intense pulsed light devices.  
8 35 This excludes the practice of electrology, whereby hair is  
9 1 removed with an electric needle.~~

9 2 Sec. 21. Section 157.1, subsection 14, Code 2005, is  
9 3 amended to read as follows:

~~9 4 14. "General supervision" means the supervising physician  
9 5 is not onsite for laser procedures or use of an intense pulsed  
9 6 light device for hair removal conducted on minors, but is  
9 7 available for direct communication, either in person or by  
9 8 telephone, radio, radiotelephone, television, or similar  
9 9 means.~~

9 10 Sec. 22. Section 157.1, Code 2005, is amended by adding  
9 11 the following new subsection:

~~9 12 NEW SUBSECTION. 15A. "Intense pulsed light device" means  
9 13 a device that uses incoherent light to destroy the vein of the  
9 14 hair bulb.~~

9 15 Sec. 23. Section 157.2, Code 2005, is amended by adding

9 16 the following new subsection:

9 17 NEW SUBSECTION. 5. Persons licensed under this chapter  
9 18 shall only use intense pulsed light devices for purposes of  
9 19 hair removal.

9 20 Sec. 24. Section 157.3, subsection 1, Code 2005, is  
9 21 amended to read as follows:

9 22 1. An applicant who has graduated from high school or its  
9 23 equivalent shall be issued a license to practice any of the  
9 24 cosmetology arts and sciences by the department when the  
9 25 applicant satisfies all of the following:

9 26 ~~a. Presents to the department a high school diploma or its~~  
9 27 ~~equivalent.~~

9 28 ~~b. a.~~ Presents to the department a diploma, or similar  
9 29 evidence, issued by a licensed school of cosmetology arts and  
9 30 sciences indicating that the applicant has completed the  
9 31 course of study for the appropriate practice of the  
9 32 cosmetology arts and sciences prescribed by the board. An  
9 33 applicant may satisfy this requirement upon presenting a  
9 34 diploma or similar evidence issued by a school in another  
9 35 state, recognized by the board, which provides instruction  
10 1 regarding the practice for which licensure is sought, provided  
10 2 that the course of study is equivalent to or greater in length  
10 3 and scope than that required for a school in this state, and  
10 4 is approved by the board.

10 5 ~~c. b.~~ Completes the application form prescribed by the  
10 6 board.

10 7 ~~d. c.~~ Passes an examination prescribed by the board. The  
10 8 examination may include both practical demonstrations and  
10 9 written or oral tests and shall not be confined to any  
10 10 specific system or method. However, a member of the board who  
10 11 is a licensed instructor of cosmetology arts and sciences  
10 12 shall not be involved in the selection or administration of  
10 13 the exam.

10 14 Sec. 25. Section 157.3A, subsection 1, paragraph a, Code  
10 15 2005, is amended to read as follows:

10 16 a. A licensed esthetician, who intends to provide services  
10 17 pursuant to section 157.1, subsection 12, paragraphs "a" and  
10 18 "c", having received additional training on the use of

10 19 microdermabrasion, or a certified laser product, or an intense  
10 20 pulsed light device, shall submit a written application and  
10 21 proof of additional training and certification for approval by  
10 22 the board. Training shall be specific to the service provided  
10 23 or certified laser product used.

10 24 Sec. 26. Section 157.3A, subsection 2, paragraph a, Code  
10 25 2005, is amended to read as follows:

10 26 a. A licensed cosmetologist having received additional  
10 27 training in the use of chemical peels, microdermabrasion, ~~or a~~  
10 28 certified laser product, or an intense pulsed light device for

10 29 hair removal shall submit a written application and proof of

10 30 additional training and certification for approval by the  
10 31 board. A cosmetologist who is licensed after July 1, 2005,

10 32 shall not be eligible to provide chemical peels, practice  
10 33 microdermabrasion procedures, ~~or use certified laser products,~~  
10 34 or use an intense pulsed light device for hair removal.

10 35 Sec. 27. Section 157.3A, subsection 3, Code 2005, is  
11 1 amended to read as follows:

11 2 3. A licensed electrologist having received additional  
11 3 training on the use of a certified laser product or an intense

11 4 pulsed light device for the purpose of hair removal shall

11 5 submit a written application and proof of additional training  
11 6 and certification for approval by the board.

11 7 Sec. 28. Section 157.3A, subsection 4, Code 2005, is  
11 8 amended to read as follows:

11 9 4. Any additional training received by a licensed  
11 10 esthetician, cosmetologist, or electrologist and submitted to

11 11 the board relating to utilization of a certified laser product  
11 12 or an intense pulsed light device shall include a safety

11 13 training component which provides a thorough understanding of  
11 14 the procedures being performed. The training program shall

11 15 address fundamentals of nonbeam hazards, management and  
11 16 employee responsibilities relating to control measures, and

11 17 regulatory requirements.  
11 18 Sec. 29. Section 157.4, Code 2005, is amended to read as  
11 19 follows:

11 20 157.4 TEMPORARY PERMITS.  
11 21 1. ~~A person who completes the requirements for licensure~~

11 22 ~~listed in section 157.3, except for the examination, shall be~~

11 23 ~~known as a trainee and shall be issued a temporary permit by~~

11 24 ~~the department which allows the applicant to practice in the~~  
11 25 ~~cosmetology arts and sciences from the date of application~~  
11 26 ~~until passage of the examination subject to this subsection.~~

~~11 27 An applicant shall take the first available examination  
11 28 administered by the board, and may retain the temporary permit  
11 29 if the applicant does not pass the examination. An applicant  
11 30 who does not pass the first examination shall take the next  
11 31 available examination administered by the board. The  
11 32 temporary permit of an applicant who does not pass the second  
11 33 examination shall be revoked. An applicant who passes either  
11 34 examination shall be issued a license pursuant to section  
11 35 157.3. The board shall adopt rules providing for a waiver of  
12 1 the requirement to take the first available examination for  
12 2 good cause.~~

~~12 3 2. The department may issue a temporary permit for the  
12 4 purpose of demonstrating cosmetology arts and sciences upon  
12 5 recommendation of the board.~~

~~12 6 1. The department may issue a temporary permit which  
12 7 allows the applicant to practice in the cosmetology arts and  
12 8 sciences for purposes determined by rule. The board shall  
12 9 determine and state its recommendations and the length of time  
12 10 the temporary permit issued under this subsection is valid.~~

~~12 11 3- 2. The fee for a temporary permit shall be established  
12 12 by the board as provided in section 147.80.~~

~~12 13 Sec. 30. Section 157.5, subsection 1, unnumbered paragraph  
12 14 1, Code 2005, is amended to read as follows:~~

~~12 15 A licensed cosmetologist, esthetician, or electrologist who  
12 16 provides services relating to the use of a certified laser  
12 17 product, intense pulsed light device for hair removal,  
12 18 chemical peel, or microdermabrasion, shall obtain a consent in  
12 19 writing prior to the administration of the services. A  
12 20 consent in writing shall create a presumption that informed  
12 21 consent was given if the consent:~~

~~12 22 Sec. 31. Section 157.5, subsection 2, Code 2005, is  
12 23 amended to read as follows:~~

~~12 24 2. A licensed cosmetologist, esthetician, or electrologist  
12 25 who provides services related to the use of a certified laser  
12 26 product, intense pulsed light device for hair removal,  
12 27 chemical peel, or microdermabrasion, shall submit a report to  
12 28 the board within thirty days of any incident involving the  
12 29 provision of such services which results in physical injury  
12 30 requiring medical attention. Failure to comply with this  
12 31 section shall result in disciplinary action being taken by the  
12 32 board.~~

~~12 33 Sec. 32. Section 157.12A, Code 2005, is amended to read as  
12 34 follows:~~

~~12 35 157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.~~

~~13 1 A laser hair removal product or device, or intense pulsed  
13 2 light device, shall not be used on a minor unless the minor is  
13 3 accompanied by a parent or guardian and only under the general  
13 4 supervision of a physician.~~

~~13 5 Sec. 33. Section 157.13, subsection 1, Code 2005, is  
13 6 amended to read as follows:~~

~~13 7 1. It is unlawful for a person to employ an individual to  
13 8 practice cosmetology arts and sciences unless that individual  
13 9 is licensed or has obtained a temporary permit under this  
13 10 chapter. It is unlawful for a licensee to practice with or  
13 11 without compensation in any place other than a licensed salon,  
13 12 a licensed school of cosmetology arts and sciences, or a  
13 13 licensed barbershop as defined in section 158.1, except that a  
13 14 licensee may practice at a location which is not a licensed  
13 15 salon or school of cosmetology arts and sciences under  
13 16 extenuating circumstances arising from physical or mental  
13 17 disability or death of a customer, or when a temporary permit  
13 18 has been approved by the board. It is unlawful for a licensee  
13 19 to claim to be a licensed barber, but it is lawful for a  
13 20 licensed cosmetologist to work in a licensed barbershop. It  
13 21 is unlawful for a person to employ a licensed cosmetologist,  
13 22 esthetician, or electrologist to perform the services  
13 23 described in section 157.3A if the licensee has not received  
13 24 the additional training and met the other requirements  
13 25 specified in section 157.3A.~~

~~13 26 Sec. 34. Section 233.2, subsection 2, paragraph c, Code  
13 27 2005, is amended to read as follows:~~

~~13 28 c. The If the name of the parent is unknown to the  
13 29 institutional health facility, the individual on duty or other  
13 30 person designated by the institutional health facility at  
13 31 which physical custody of the newborn infant was relinquished  
13 32 shall submit the certificate of birth report as required  
13 33 pursuant to section 144.14. If the name of the parent is  
13 34 known to the institutional health facility, the facility shall  
13 35 submit the certificate of birth report as required pursuant to  
14 1 section 144.13. The department of public health shall not  
14 2 file the certificate of birth with the county of birth and~~

14 3 shall otherwise maintain the confidentiality of the birth  
14 4 certificate in accordance with section 144.43.

14 5 Sec. 35. Section 272C.4, unnumbered paragraph 2, Code  
14 6 2005, is amended to read as follows:

14 7 Insurance carriers which insure professional and  
14 8 occupational licensees for acts or omissions that constitute  
14 9 negligence, careless acts, or omissions in the practice of a  
14 10 profession or occupation shall file reports with the  
14 11 appropriate licensing board. The reports shall include  
14 12 information pertaining to ~~claims~~ any lawsuit filed against a  
14 13 licensee which may affect the licensee as defined by rule,  
14 14 involving an insured of the insurer.

14 15 Sec. 36. Section 272C.9, subsection 1, Code 2005, is  
14 16 amended to read as follows:

14 17 1. Each licensee of a licensing board, as a condition of  
14 18 licensure, is under a duty to submit to a physical, ~~or~~ mental,  
14 19 or clinical competency examination when directed in writing by  
14 20 the board for cause. All objections shall be waived as to the  
14 21 admissibility of the examining physician's testimony or  
14 22 reports on the grounds of privileged communications. The  
14 23 medical testimony or report shall not be used against the  
14 24 licensee in any proceeding other than one relating to licensee  
14 25 discipline by the board, or one commenced in district court  
14 26 for revocation of the licensee's privileges. The licensing  
14 27 board, upon probable cause, shall have the authority to order  
14 28 a physical, ~~or~~ mental, or clinical competency examination, and  
14 29 upon refusal of the licensee to submit to the examination the  
14 30 licensing board may order that the allegations pursuant to  
14 31 which the order of physical, ~~or~~ mental, or clinical competency  
14 32 examination was made shall be taken to be established.

14 33 Sec. 37. Section 331.805, subsection 1, Code 2005, is  
14 34 amended to read as follows:

14 35 1. When a death occurs in the manner specified in section  
15 1 331.802, subsection 3, the body, clothing, and any articles  
15 2 upon or near the body shall not be disturbed or removed from  
15 3 the position in which it is found, and physical or biological  
15 4 evidence shall not be obtained or collected from the body,  
15 5 without authorization from the county medical examiner or the  
15 6 state medical examiner except for the purpose of preserving  
15 7 the body from loss or destruction or permitting the passage of  
15 8 traffic on a highway, railroad or airport, or unless the  
15 9 failure to immediately remove the body might endanger life,  
15 10 safety, or health. A person who moves, disturbs, or conceals  
15 11 a body, clothing, or any articles upon or near the body or who  
15 12 obtains or collects physical or biological evidence in  
15 13 violation of this subsection or chapter 691 is guilty of a  
15 14 simple misdemeanor.

15 15 Sec. 38. Section 691.6, Code 2005, is amended by adding  
15 16 the following new subsection:

15 17 NEW SUBSECTION. 7. To perform an autopsy or order that an  
15 18 autopsy be performed if required or authorized by section  
15 19 331.802 or by rule. If the state medical examiner assumes  
15 20 jurisdiction over a body for purposes of performing an autopsy  
15 21 required or authorized by section 331.802 or by rule under  
15 22 this section, the body or its effects shall not be disturbed,  
15 23 withheld from the custody of the state medical examiner, or  
15 24 removed from the custody of the state medical examiner without  
15 25 authorization from the state medical examiner.

15 26 Sec. 39. Sections 135.45 through 135.48 and section  
15 27 142A.11, Code 2005, are repealed.

15 28 Sec. 40. RESPONSE TEAM TASK FORCE. The department shall  
15 29 establish a task force to study the current and future  
15 30 capacity of the public health workforce to respond to  
15 31 bioterrorism, emerging infectious diseases, and other public  
15 32 health threats and emergencies. The task force shall examine  
15 33 the concept of developing and implementing regional response  
15 34 teams which will include members from local, regional, and  
15 35 state agencies and organizations. The task force shall submit  
16 1 a report to the department, the governor, and the general  
16 2 assembly by July 1, 2006, which shall include the findings and  
16 3 recommendations of the task force, including a proposed budget  
16 4 necessary for sustaining public health workforce teams. Task  
16 5 force members shall be appointed by the director and shall  
16 6 include representatives from local public health agencies,  
16 7 hospitals, emergency medical care providers and programs, the  
16 8 department, and other stakeholders. Appointments to the task  
16 9 force shall not be subject to the requirements of sections  
16 10 69.16 and 69.16A.

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